

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEROMI BAZUAYE,

Plaintiff,

-against-

UNITED STATES OF AMERICA

Defendants.

-----X
DEBORAH A. BATTS, United States District Judge.

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 1/27/09
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06 Civ. 8259 (DAB)
ADOPTION OF REPORT
AND RECOMMENDATION

The Complaint in the above captioned matter is DISMISSED with prejudice as to the named defendants and the United States of America is substituted as the proper defendant. See Kentucky v. Graham, 473 U.S. 159, 166 (1985) (suit against individual government employees in their official capacities must be considered a suit against the United States).

This matter is before the Court upon the January 5, 2009 Report and Recommendation of United States Magistrate Judge Douglas F. Eaton. The parties have not filed objections.

Having reviewed the Report and Recommendation and finding no clear error on the face of the record, See Rule 72, Fed. R. Civ. P., Notes of Advisory Committee on Rules (citing Campbell v. United States Dist. Court, 501 F.2d 196, 206 (9th Cir.), cert. denied, 419 U.S. 879 (1974)), it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation of United States Magistrate Judge Douglas F. Eaton dated January 5, 2009 be and the same hereby is approved, adopted, and ratified by the Court;

2. The Defendants' Motion to Dismiss, entered on the docket as Document 9, is hereby GRANTED with prejudice.

3. The Clerk of Court is hereby DIRECTED to close the docket for this case.

SO ORDERED.

Dated: New York, New York
January 27, 2009

A handwritten signature in black ink, reading "Deborah A. Batts", written over a horizontal line.

Deborah A. Batts
United States District Judge